

Message Text

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64

ACTION ARA-10

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-05 IO-10 JUSE-00

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 4908

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E.O. 11652: N/A

TAGS: SNAR, CPRS, MX

SUBJECT: REPORT ON REVISION OF MEXICAN NARCOTICS LAW

REF: MEXICO 2296

1. LAST MARCH WE REPORTED PROPOSED CHANGES IN THE GOM NARCOTICS LAWS (SEE REFTEL). AT THAT TIME THE FORM OF THE DRAFT LEGISLATION WAS RATHER VAGUE AND WE DID NOT KNOW HOW IT MIGHT BE APPLIED TO MARIJUANA VIOLATORS.

2. IN A CONVERSATION NOVEMBER 14 WITH THE CHIEF OF THE ATTORNEY GENERAL'S OFFICE OF NARCOTICS CONTROL, EMBOFF WAS TOLD THAT THE NEW LEGISLATION WOULD INVOLVE AMENDMENTS TO THE MEXICAN SANITARY CODE, PENAL CODE, AND FEDERAL CODE OF CRIMINAL PROCEDURE. IT WOULD PROVIDE THAT ANYONE FOUND WITH MORE THAN 20 GRAMS OF NARCOTICS (INCLUDING MARIJUANA) WOULD RECEIVE A MANDATORY SENTENCE OF NO LESS THAN FIVE YEARS, SIX MONTHS. THUS THE FORMER PROVISION WHICH ALLOWED PERSONS SENTENCED TO LESS THAN FIVE YEARS TO POST A BOND PRESUMABLY NO LONGER WOULD APPLY TO THOSE INDIVIDUALS ARRESTED WITH 20 GRAMS OR MORE (ABOUT 10-15 MARIJUANA CIGARETTES). NOR, AS IS PRESENTLY THE CASE, WOULD MOST US CITIZENS FOUND WITH A SMALL QUANTITY (BUT OVER 20 GRAMS) OF MARIJUANA BE DEPORTED

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DIRECTLY RATHER THAN REMANDED TO MEXICAN FEDERAL ATTORNEY

FOR PROSECUTION.

3. WE EMPHASIZE THAT THE ABOVE INFORMATION IS HEARSAY THUS FAR, SINCE WE HAVE NOT SEEN THE PROPOSED LEGISLATION. WE UNDERSTAND IT HAS BEEN SENT BY THE ATTORNEY GENERAL TO THE PRESIDENCY, BUT AS BEST WE CAN DETERMINE HAS NOT YET BEEN SENT TO THE CONGRESS FOR ACTION. HENCE ANY IMPLEMENTATION IS UNLIKELY BEFORE MID-DECEMBER AT THE EARLIEST.

4. EMBASSY IS ATTEMPTING TO OBTAIN COPY OF DRAFT LAW AND WILL OF COURSE MONITOR ITS PROGRESS AS CLOSELY AS POSSIBLE. IT OBVIOUSLY CONTAINS VERY IMPORTANT POTENTIAL IMPLICATIONS FOR US CONSULAR SERVICES IN MEXICO, AS WELL AS FOR THE COOPERATIVE ANTI-NARCOTICS PROGRAM. IF ENFORCED, SUCH A PROVISION COULD RESULT IN A LARGE INCREASE IN THE US PRISONER POPULATION IN MEXICAN JAILS AND COULD GENERATE US CRITICISM OF THE PROGRAMS AS UNDULY HARSH. BRANDIN

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